

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

BILLY JOE BOOKER, ID # 2063734,)	
Petitioner,)	
)	
vs.)	No. 3:17-CV-3427-N (BH)
)	
LORIE DAVIS, Director,)	Referred to U.S. Magistrate Judge
Texas Department of Criminal)	
Justice, Correctional Institutions)	
Division,)	
Respondent.)	

**ORDER OF THE COURT ON RECOMMENDATION REGARDING
REQUEST TO PROCEED IN FORMA PAUPERIS AND
TO USE ORIGINAL RECORD ON APPEAL**

Considering the record in this case and the recommendation of the Magistrate Judge, the Court hereby finds and orders:

- () The application for leave to proceed *in forma pauperis* on appeal is GRANTED.
- (X) The application for leave to proceed *in forma pauperis* in the interlocutory appeal is **DENIED** because the Court certifies pursuant to Fed. R. App. P. 24(a)(3) and 28 U.S.C. § 1915(a)(3) that the appeal is not taken in good faith and that the appeal presents no legal points of arguable merit and is therefore frivolous.
- (X) Although this court has certified that the appeal is not taken in good faith under 28 U.S. C. § 1915(a)(3) and Fed. R. App. P. 24(a)(3), the petitioner may challenge this finding pursuant to *Baugh v. Taylor*, 117 F.3d 197 (5th Cir. 1997), by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within 30 days of this order.
- () The request to use on appeal, the records originally filed in this Court, is GRANTED
- (X) The request to use on appeal, the records originally filed in this Court, is **DENIED** because that is a matter for the U. S. Court of Appeals for the Fifth Circuit.

The Clerk's Office is **DIRECTED** to forward the motion for leave to proceed *in forma*

pauperis (doc. 29) to the Fifth Circuit.

DATE: December 21, 2018


UNITED STATES DISTRICT JUDGE